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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,649	09/09/2003	Paul W. Budge	48967-01011	4314
34013	7590	05/07/2004	EXAMINER GREEN, CHRISTY MARIE	
HOLME ROBERTS & OWEN, LLP 299 SOUTH MAIN SUITE 1800 SALT LAKE CITY, UT 84111			ART UNIT 3635	

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/658,649

Applicant(s)

BUDGE, PAUL W.

Examiner

Christy M Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/3/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a first office action for serial number 10/658649, entitled Structural Thermal Framing and Panel System for Assembling Finished or Unfinished Walls with Multiple Panel Combinations for Poured and Non-poured Walls, filed on September 9, 2003.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore the method step of attaching a first slotted connector angle to a floor within claim 1 should be presented within the drawings. This limitation should be shown within the drawings in order for there to be clarity on the actual method of how this wall is assembled. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: within claim 1, there seems to be some differences within the claim limitations and what is disclosed within the specification, for example, the stud

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element, is this the framing stud assembly, or another part of the invention; the wall panel, is this the straight insulated panel, or another part of the invention? It is appreciated that the limitations are separately denoted with reference numbers within the disclosure, however there is just a little bit unclear in regards to some of the limitations within the claims. Until these limitations are further explained within the specification for more clarity, it should be noted that the examiner interprets the accordingly.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 is rejected under 35 U.S.C. 103(a) as being unpatentable over VanderWerf, US patent # 6,698,710.

VanderWerf discloses the claimed invention a method for assembling a wall, comprising steps of: attaching a first slotted connector angle (26) to a floor (16) at a location where a wall is desired to be built (10 - figure 25), said slotted connector angle having slots spaced at a distance from one another (along 26a - figure 26) corresponding to a desired spacing of studs; providing a stud element (figure 3, at 40), said stud element comprising: first and second flange elements (32, 34); and bottom and upper tab elements (at 48 and 50 - see attached figure 4) at the respective bottom

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and upper ends of said stud element (at 40), each tab element being adapted for connection to a slot of the first slotted connector angle (26 figure 1); attaching a wall panel (20) to the first flange element of said stud element (at 40); inserting the bottom tab element (see attached figure 4) of said stud element (at 40) into a corresponding slot of the first connector angle (along 26a - figure 26); repeating said steps of attaching of a wall panel to additional first flange elements of additional stud elements, inserting of the bottom tab element of such additional stud elements into adjacent slots (column 14, lines 56-63) of the first slotted connector angle (column 12, lines 36-39), and the further step of attaching the second flange element of each additional stud element to the previous wall panel (column 14, lines 56-63), until a portion of a wall is formed of a first line of stud elements and associated wall panels (figure 1); connecting the stud element (at 40) to the opposing stud element (at 40) of the first line of stud elements, and repeating the steps until the wall is formed of stud elements associated wall panels (figure 3); providing a support element (36a) on at least some of the stud elements, placing horizontal reinforcement rods onto the support elements (column 14, lines 14-24); a space (22) between the wall panels (18, 20), pouring cement into the space (column 12, lines 27-29); the slotted connector angle is attached to the floor at a location on the inside and outside margin of the wall (see attached figure 1); and, the first slotted connector angle (26) is L-shaped (figure 26).

VanderWerf does not specifically disclose the step of attaching a second or third slotted connector element to the top or upper tab elements of each of the stud elements in order to provide additional support to the portion of the wall formed in the preceding

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steps. Since VanderWerf already states that the footing brackets (26) may be inserted after the assembly system and that another type of connector element (910 - figure 35) to the top of the stud elements and wall panels, it would have been obvious for one having ordinary skill in the art to provide additional brackets on each side of the wall panels, to the top/upper tab elements of each stud in order to further assist with proper alignment during the assembly of the system and to further act as an inhibitor to outward movement of the bottom/top edges of the panels (column 19, lines 57-61).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy M Green whose telephone number is 703-308-9693. The examiner can normally be reached on M-F 8:00-4:00.

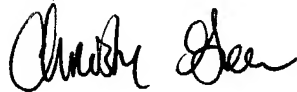
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in cursive script, appearing to read "Christy M. Green".

Christy M. Green
Patent Examiner
May 1, 2003